

Filing # 56949913 E-Filed 05/25/2017 04:05:27 PM

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

JOHN F. DOWNS, MARGARET
T. DOWNS, ELIZABETH DOWNS,
and DOROTHY DOWNS,

CASE NO.

Plaintiffs,
v.

WILLIAM J. CHANDLER and
RACHEL A. CHANDLER,

Defendants.
_____ /

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COMES NOW, Plaintiffs, JOHN F. DOWNS, MARGARET T. DOWNS, ELIZABETH DOWNS, and DOROTHY DOWNS (collectively hereinafter as “Plaintiffs”) by and through their undersigned attorney and sues the Defendants, WILLIAM J. CHANDLER and RACHEL A. CHANDLER, (hereinafter the “Defendants”) and state as follows:

1. This is an action for declaratory relief and injunctive relief.
2. This Court has jurisdiction in this matter pursuant to Art. V, §5(b), Fla. Const.; § 26.012(2)(a), (c) and (3), Fla. Stat.; and § 86.001, Fla. Stat., as this is a claim seeking equitable and injunctive relief.
3. Venue is proper in Palm Beach County pursuant to § 47.011, Fla. Stat., as the actions and facts giving rise to this complaint occurred in Palm Beach County, and the Plaintiffs and Defendants are located in Palm Beach County.
4. This action concerns a dispute over the right to the ownership, access and use rights of a boat dock (hereinafter “Dock”) and the C-17 Canal right of way adjacent to the Plaintiffs’ real property.

5. Plaintiffs, are the owners of the real property located at 751 Hummingbird Way, North Palm Beach, Florida, per the Quit Claim Deed found in Official Record Book 28649/1397 (attached as **Exhibit “A”**) more particularly described as:

“Lot 9, Block 30, VILLAGE OF NORTH PALM BEACH, Plat #3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as in Plat Book 25, Pages 175 and 176”

6. The Plaintiffs’ real property is improved with a 7 unit multi-family residential apartment building, constructed by their family in 1968, as reflected on the Village of North Palm Beach building permit attached as **Exhibit “B”**. The Plaintiffs have operated the property as rental apartments at all times since its construction

7. Plaintiffs own their real property subject to the dedications, easements and restrictions found on the plat recorded in the Palm Beach County Public Records, Plat Book 25, Pages 175 and 176, a true and correct copy of which is attached herewith as **Exhibit “C-1”** (hereinafter the “Plat”). An enlargement of the legal description and dedication language on the Plat is also attached as Exhibit “C-2”.

8. The Plat was recorded on April, 22, 1958. The Plat’s description of the area owned and to be platted is bounded in part by “the center line of the right of way of Canal C-17 of the Central and Southern Florida Flood Control District as said right of way is described in Easement Deeds recorded in Deed Books 1156 and 1163 at Pages 186 and 294, respectively.”

9. The Plat further notes that the then-owners of the land being platted, “do hereby dedicate all the Drives, Roads and other rights of way shown hereon to the perpetual use of the public for public road and street purposes and other purposes incidental thereto...”

10. The location of the C-17 Canal right of way, as noted, had previously been established through the Easement Deeds recorded in the Deed Books of Palm Beach County, at Deed Book 1156, Page 186 and Deed Book 1163, Page 294. A true and correct copy of these Easement Deeds are attached as **Exhibits “D”** and **“E”** respectively.

11. The Easement Deed in Book 1156 which covers the portions of the C-17 Canal right of way adjacent to the Plaintiffs’ property, granted the Central and Southern Florida Flood Control District “the perpetual easement and right for and to the exclusive use and enjoyment of the following described land...”

12. The easement in Book 1156 reserved only two express rights from the “exclusive use” easement:

“(1). The right to construct two public bridges across Canal C-17 (Earman River Canal) within the above described land, after completion of construction of said Canal C-17 (Earman River Canal) by the grantee; said bridges to conform to the specifications of the State Road Department of the State of Florida and to the construction standards of the grantee.

(2). The right to connect two lateral canals to Canal C-17 (Earman River Canal) within the above described lands.”

13. The South Florida Water Management District is the direct legal successor of all rights, ownership and privileges of the Central and Southern Florida Flood Control District.

14. In July 12, 1979 the Downs’ father, Francis F. Downs, received a permit from the South Florida Water Management District to construct a Dock adjacent to their property, along the banks of the C-17 Canal, and within the C-17 easement and dedicated public right of way identified on the 1958 Plat. A true and correct copy of the permit is attached as **Exhibit “F”** (hereinafter, the “Permit”). The Dock was constructed shortly thereafter and has been maintained in the same location and configuration consistent with the Permit ever since. The Dock is made

available and used by the Plaintiffs', their tenants, and guests, and has been so used continuously for over 35 years.

15. The Dock Permit issued by the South Florida Water Management District states, "All structures and works installed by permittee hereunder shall remain the property of the permittee."

16. The Plaintiffs received a letter from attorney Cristofer A. Bennardo on behalf of the Defendants, dated April 19, 2017, with an attached survey. (**Exhibit "G"**). The letter claims that the property to the north of 751 Hummingbird Way is actually owned by the Defendants, stating that all activities by the Plaintiffs or their tenants in the area shown on the survey constitute a trespass on the Defendants' land, and must be removed within seven days. The lands as described in the attached survey encompass a "70' strip of canal right of way" and a "79' strip of canal right of way"; and the legal description cites to both the Easement Deed and the Plat discussed above.

17. Defendants have erected "No Trespassing" signs, purporting to forbid the access by the Plaintiffs, their tenants, and guests to the C-17 Canal right of way from their adjacent real property.

18. Plaintiffs were informed and believe the Defendants have requested the Village of North Palm Beach Police Department enforce their desire to remove the Plaintiffs, their tenants, and their guests from the Dock.

19. The Defendants have sought to obtain a building permit from the Village of North Palm Beach for the construction of a fence within the C-17 Canal right of way in order to bar the access of the Plaintiffs to their Dock and the public right of way adjacent to their property. (**Exhibit "H"**).

20. Plaintiffs were subsequently informed and believe the Defendants or their agents have attempted to transfer the Downs' South Florida Water Management District Dock Permit to themselves, despite the Downs ownership of all Dock improvements and their rights as the owners of the adjacent property along the C-17 canal right of way, under the terms of the Permit.

21. Defendants have maintained a pattern of harassing and coercive behavior in an effort to restrict, impede and otherwise block use of the C-17 Canal right of way and Dock by the Plaintiff, their tenants and guests.

COUNT I

REQUEST FOR DECLARATORY RELIEF

22. Plaintiffs re-allege paragraphs 1-21 as if fully set forth herein.

23. This is an action for declaratory judgment pursuant to § 86.011, Fla. Stat.

24. There is a bona fide, actual, present, and practical need for this declaration, as the Plaintiffs' long established use rights and ownership of their dock have been called into question. The Plaintiffs are in doubt as to their rights under their existing Dock Permit, the publicly dedicated right of way under the Plat, and their rights of the public accruing under the Easement Deed held by the Water Management District.

25. The controversy is drawn from the alleged ascertainable facts and actions of the parties. There exists a current dispute and controversy between Plaintiffs and Defendants regarding the C-17 canal right of way adjacent to the Plaintiffs' property. The Defendants have asserted their adverse interest in the use of the Dock and right of way, and these interests are before the Court. The exhibits provided with this complaint form the basis from which these disputed rights are drawn.

26. The Plaintiffs' privilege and right to use their Dock and the adjacent portions of the C-17 canal right away is dependent upon the application of the law to the ascertainable facts.

27. Defendants actions and correspondence have elicited their clear antagonist position in these proceedings, and their adverse interest.

28. Plaintiffs are not merely seeking legal advice, but are in fact seeking to secure and vindicate their rights and use of their Dock. This decree will further vindicate the public dedication of the right of way by the Plat, secure the South Florida Water Management District's exclusive right to the use and control the right of way for the public, and protect the personal property rights of the dozens of similarly situated dock owners along this section of the C-17 canal.

29. The Plaintiffs are entitled to a judicial decree declaring the South Florida Water Management District's exclusive use and control of the area within the C-17 Canal right of way as dedicated by easement and plat as a public right of way, the Plaintiffs' ownership of the Dock improvements, and the Plaintiffs' rights to access and utilize their Dock in a manner not inconsistent with the Water Management District's exclusive use and control of the public right of way, the District having expressly permitted and consented to said use.

WHEREFORE, the Plaintiffs respectfully request that this Court:

A) issue an order declaring that C-17 Canal right of way is a dedicated public right of way by Easement and Plat, and the use and control of said right of way is fully vested in the South Florida Water Management District;

B) declaring that the Plaintiffs' are the true and proper owners of the Dock adjacent to 751 Hummingbird Way;

C) declare that the Defendants' ownership of the underlying fee constitutes no current use control, authority, or occupancy rights over the C-17 Canal right of way and constitutes merely a right of reversion should the right of way ever be abandoned in the future;

D) set this cause for an expedited date for trial in accordance with § 86.011, Fla. Stat.;

E) provide such other relief as this Court deems just and proper.

COUNT II

TEMPORARY INJUNCTIVE RELIEF (PROHIBITORY)

30. Plaintiffs reallege paragraphs 1- 21 as if fully set forth herein.

31. This is an action for a temporary prohibitory injunction against Defendants.

32. Plaintiffs seek to prevent Defendants from interfering with the Plaintiffs decades-long permitted use of their Dock, or taking any action to otherwise prevent the access and utilization of the Dock, or harass Plaintiffs, their tenants or guests using the Dock, during the pendency of these proceedings. Such an injunction will preserve the status quo during this action.

33. Plaintiffs' real property is adjacent to the dedicated and platted C-17 Canal public right of way, and they, their tenants and guests have utilized their properly permitted Dock on that right of way for over 35 years.

34. Plaintiffs will suffer irreparable harm absent the entry of this temporary injunction. The Plaintiffs property is utilized as a residential rental complex, whose tenants enjoy the use of the Plaintiffs' Dock and the quiet enjoyment of their homes. The actions of the Defendants have interfered with the Plaintiffs' and their tenants' rights to peaceful enjoyment,

resulted in distress, and otherwise placed the Plaintiffs' obligations to the tenants at risk. Defendants actions seek to irreparably eliminate the Plaintiffs' ownership and use of their Dock.

35. Plaintiffs have a substantial likelihood for success. The Plaintiffs were issued a valid Permit from the South Florida Water Management District, constructed the dock in conformance with that permit, have maintained it, and have utilized it without objection or complaint from any third party for more than 35 years. The Easement and Plat are unambiguous in their intent and legal effect.

36. The effort by Defendants to interfere with the Plaintiffs use of their Dock has no adequate remedy at law. The rights of the Plaintiffs, their ownership of the Dock they constructed and have utilized for over 35 years, and the impacts to their tenants' peaceful enjoyment of their homes and the use of the Dock cannot be remedied at law.

37. Granting an injunction in this case will serve the public interest. This injunction will insure Plaintiffs' real and personal property not continuously trespassed or interfered with, and will protect the publics' rights as established by Easement Deed and Plat dedication. The Plaintiffs' Dock and rights are consistent with the dozens of similarly situated and permitted docks along the C-17 canal in this area, utilized by adjacent property owners. The injunction will further secure the South Florida Water Management District's right to the exclusive control and authority over the C-17 canal right of way for the benefit of the public to which it is dedicated.

WHEREFORE, the Plaintiffs respectfully requests that this Court:

A) issue a temporary injunction enjoining the Defendants from taking any actions to obstruct or interfere with the Plaintiffs', their tenants' or their guests' use and enjoyment of their Dock during the pendency of this action, or otherwise harass the Plaintiffs.

- B) issue an injunction temporarily enjoining the Defendants from taking any actions to apply, transfer, request or otherwise seek any form of permit or authorization to construct, build, occupy, or otherwise use the C-17 Canal adjacent to the Plaintiffs property, and
- C) provide such other relief as this Court deems just and proper.

COUNT III

PERMANENT INJUNCTIVE RELIEF (PROHIBITORY)

38. Plaintiffs reallege paragraphs 1- 21 as if fully set forth herein.
39. This is an action for a permanent prohibitory injunction against Defendants.
40. Plaintiffs will suffer irreparable harm absent the entry of this permanent injunction. The Plaintiffs property is utilized as a residential rental complex, whose tenants enjoy the use of the Plaintiffs' Dock and the quiet enjoyment of their homes. The actions of the Defendants have interfered with the Plaintiffs' and their tenants' rights to peaceful enjoyment, resulted in distress, and otherwise placed the Plaintiffs' obligations to the tenants at risk. Defendants actions seek to irreparably eliminate the Plaintiffs' ownership and use of their Dock.
41. Plaintiffs have a clear legal right as established by the Easement and Plat's dedicated public right of way for the C-17 canal. The Plaintiffs were issued a valid Permit from the South Florida Water Management District. The District is the governmental entity granted exclusive use and dominion over the public right of way. Plaintiffs constructed the Dock in conformance with that permit, have maintained it, and have utilized it without objection or complaint from any third party for more than 35 years. The Easement and Plat are unambiguous in their intent and legal effect.
42. The effort by Defendants to interfere with the Plaintiffs use of their Dock has no adequate remedy at law. The rights of the Plaintiffs, their ownership of the Dock they

constructed and have utilized for over 35 years, and the impacts to their tenants and guests is unique to this property.

43. Granting an injunction in this case will serve the public interest. This injunction will insure Plaintiffs' properties are not continuously trespassed, will vindicate the South Florida Water Management Districts exclusive control for the benefit of the public, and will otherwise establish the public's rights as established by Easement Deed and Plat dedication.

WHEREFORE, the Plaintiffs respectfully requests that this Court:

A) issue an injunction permanently enjoining the Defendants from taking any actions to obstruct or interfere with the Plaintiffs' continued use and enjoyment of their Dock and the area of the C-17 canal right of way adjacent to their real property consistent with the South Florida Water Management's permit and authority;

B) issue an injunction permanently enjoining the Defendants from taking any actions to permit, transfer, request or otherwise seek permission to construct, build, occupy, or otherwise use the C-17 Canal right of way adjacent to the Plaintiffs' real property, and

C) provide such other relief as this Court deems just and proper.

Respectfully submitted this 25 day of May, 2017.

/s/ Andrew J. Baumann

ANDREW J. BAUMANN

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Sharon R. Bock, CLERK & COMPTROLLER
Pg 1397; (1pg)

PCN: 68-43-42-16-04-030-0090

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Quit Claim Deed

This Quit Claim Deed made this 20th day of October, 2016 between John F. Downs, a single man, as Trustee of THE FRANCIS F. DOWNS TRUST DATED MAY 6, 1993, Grantor, to JOHN F. DOWNS, MARGARET T. DOWNS, ELIZABETH A. DOWNS and DOROTHY DOWNS, as joint tenants with rights of survivorship, Grantees, whose address is 700 IBIS WAY, NORTH PALM BEACH, FL 33408.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Palm Beach County, Florida** to-wit:

Lot 9, Block 30, VILLAGE OF NORTH PALM BEACH, Plat #3, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, as in Plat Book 25, Pages 175 and 176.

The above described property does not constitute the Homestead of Grantor.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Michael Chase

Witness Signature

MICHAEL CHASE

Printed Name

Janet N. Heaton

Witness Signature

JANET N. HEATON

Printed Name

John F. Downs
John F. Downs, as Trustee of the
Francis F. Downs Trust Dated May 6, 1993, Grantor

State of **FLORIDA**
County of **PALM BEACH**

The foregoing instrument was acknowledged before me this 20th day of October, 2016 by John F. Downs, ☒ who is personally known or ☐ who has produced driver's licenses as identification.

[Notary Seal]



Janet N. Heaton
Notary Public

EXHIBIT

A

the village of

NORTH PALM BEACH
Florida

Engineering Department—Building Division

PERMIT No. 5966 B

DATE June 5 1968

Application For Building Permit and Certificate Of Occupancy

For: ☒ Building ☐ Plumbing ☐ Gas Permit ☐ Electrical

Application is hereby made for a permit to erect/alter a structure as described herein or shown in accompanying plans and specifications, which structure is to be located as shown on the plot plan on the reverse side hereof. The following information and the accompanying plans and specifications with the representations contained therein are made a part of this application in reliance upon which The Building Official is requested to issue a building permit. It is understood and agreed by applicant that any error, misstatement or misrepresentation or expression of fact, either with or without intention on the part of applicant, such as might or would operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of The Building Official, shall constitute sufficient ground for the revocation of the permit. In consideration of the granting of this Permit, applicant agrees: (1) To install concrete sidewalks five feet in width and approaches, turnouts, driveways and aprons at such elevations as established by the Engineer of the Village; (2) To cause all lots to be surveyed and staked by a licensed engineer prior to the commencement of any construction; (3) To provide adequate sanitary toilet facilities for workmen prior to the commencement of any construction; (4) To complete the erection/alteration in accordance with the plans and specifications, the representations contained herein, and the Building, Plumbing, and Electrical Code and other applicable requirements of the Village; (5) To comply with provisions of the Florida Workmen's Compensation Act. (6) To Sod Parkway Area Between Sidewalk And Pavement.

Any permit issued hereunder shall become null and void unless construction has commenced within six months of the date of its issuance. No structure shall be occupied prior to the issuance of a Certificate of Occupancy, which shall be issued upon request after final inspection by The Building Official.

Location of Job 757 HUMMINGBIRD WAY (Street) Plat No. 3 Lot No. 9 Block No. 30

Owner's Address FRANCIS DOWNS (Name) (Street) (City) (State)

Contractor's Address DOWNS CONST CO INC (Name) (Street) (City) (State) 1210 CORAL WAY PBS (City) (State)

Architect's Address S. BEVELACQUA & ASSOC (Name) (Street) (City) (State) PALM BEACH FLA (City) (State)

Building Occupancy 7 UNIT APT BLDG No. Stories 1 Split Level —

Dimensions of Building Width 60' Depth 155' Height 11'6" CE

Type of Construction CBS W/CT HW ROOF 4/12 Estimated Cost \$ 59,900

Permit Fee \$ 147.00

BUILDING CONSTRUCTION	PLUMBING INSTALLATIONS	GAS INSTALLATIONS	ELEC. INSTALLATIONS
() Residence	(<u>8</u>) Closets	() Range	(<u>47</u>) In Combination Outlet-Switch-Fixt.
() Remodel	(<u>7</u>) Bath Tabs	() Bake Oven	(<u>117</u>) Outlets
() Pool	(<u>8</u>) Lavatories	() Refrigerator	() Ceiling Heaters
() Other Buildings	(<u>1</u>) Showers	() Water Heater	(<u>6</u>) Space Heater
() Walls and Fences	(<u>1</u>) Slop Sinks	() Space Heater	() Stove
() Barbecue Pits	(<u>1</u>) Kitchen Sink	() Clothes Dryer	(<u>7</u>) Oven
() Air Condition	() Dishwasher	() Furnace	() Clothes Dryer
() Heating	() Garbage Disposal	()	(<u>2</u>) Water Heater
() Sprinkler System	(<u>7</u>) Water Heater	()	(<u>7</u>) Fractional Motors
() Wells	(<u>1</u>) Washing Machines	()	(<u>7</u>) 1 HP Motors and Over
() Screen Enclosure	(<u>1</u>) Laundry Tubs	()	(<u>1</u>) Temporary Service
(<u>1</u>) TREE	() Swimming Pool	()	(<u>1</u>) Final Service up to 100 Amperes
()	(<u>40.00</u>)	()	(<u>1</u>) Over 100 Amperes
			(<u>95.00</u>) Inter. Com. System

Special Conditions AND CORRECTIONS AS NOTED ON PLANS

The undersigned hereby certifies that the above information is true and correct.

Signed Mrs. F. F. Downs (Name) P.O. Box 9396 - Rio Beach (Address)

EXHIBIT

B

(For)

STATES OF FLORIDA
COUNTY OF PALM BEACH
This Plant was filed for record on 12-2-84
at 2:23 PM by 1616
1985 and duly recorded in Book No. 176
Page 5 on File 5-5-84

Book25/Page175

VILLAGE OF NORTH PALM BEACH

PLAT NO. 3

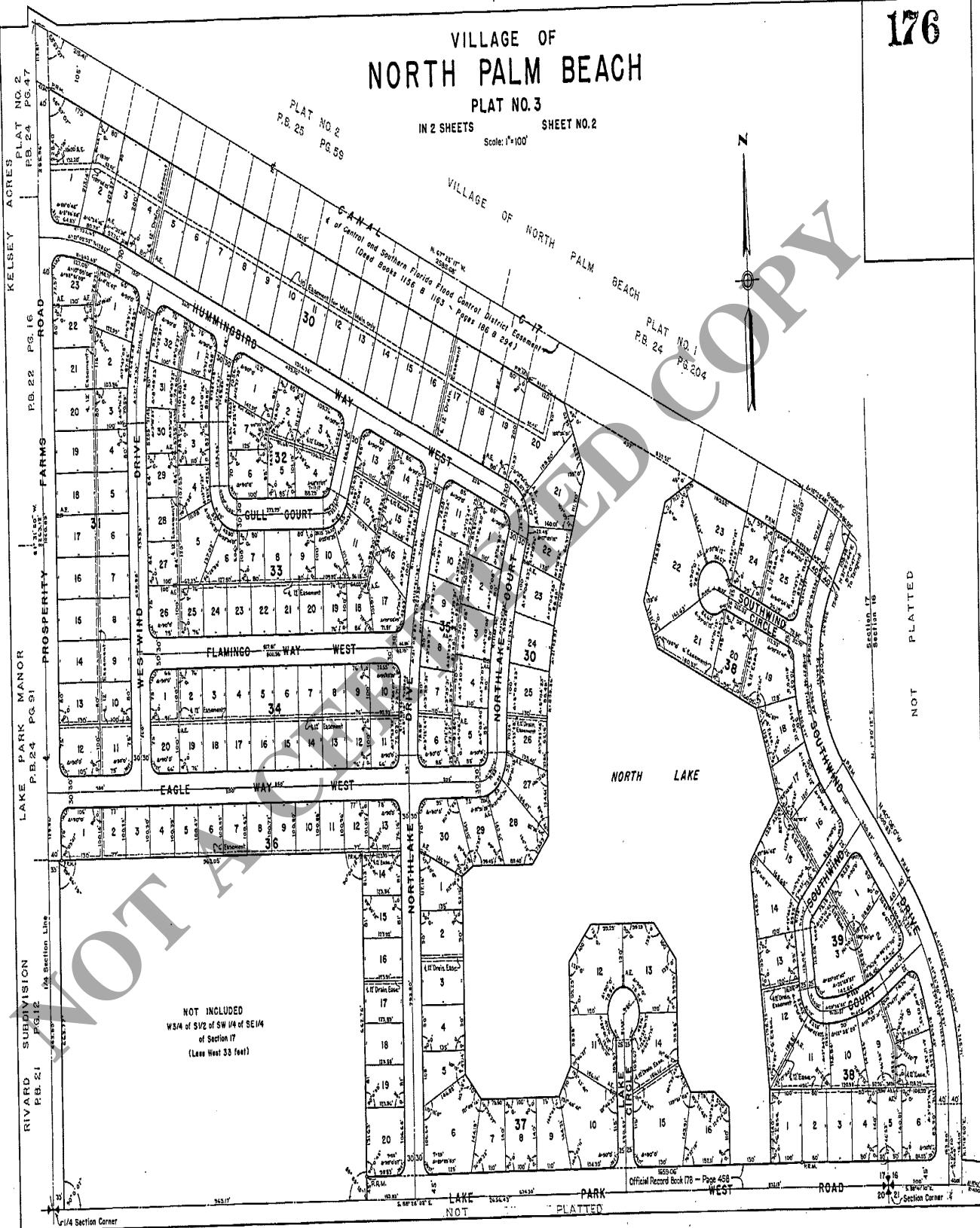
IN 2 SHEETS

SHEET NO. 2

Scale: 1" = 100'

PLAT NO. 2
P.B. 25 PG. 58

PLAT NO. 1
P.B. 24 PG. 204



This is not a certified copy

STATE OF FLORIDA
COUNTY OF PALM BEACH SS

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Owners of the tract of land lying and being in Sections 16 and 17, Township 42 South, Range 43 East, Palm Beach County, Florida, shown hereon as VILLAGE OF NORTH PALM BEACH, PLAT NO. 3, and more particularly described as follows, to wit:

Beginning at the Quarter Section Corner in the south line of said Section 17; thence S. 88° 28' 03" E. along the south line of said Section 17, a distance of 2656.43 feet, more or less, to the southeast corner thereof; thence S. 88° 41' 10" E. along the south line of said Section 16, a distance of 200 feet to the beginning of a curve concave to the south having a radius of 4006 feet and a central angle of 8° 42' 15"; thence easterly along the arc of said curve, a distance of 40.01 feet; thence N. 1° 18' 50" E., a distance of 154.10 feet to the beginning of a curve concave to the southwest having a radius of 649.43 feet, and a central angle of 41° 26' 50"; thence northwesterly along the arc of said curve, a distance of 469.79 feet to the end of said curve; thence N. 40° 08' 0" W. along the tangent to said curve, a distance of 300.83 feet to the beginning of a curve concave to the east having a radius of 284.77 feet and a central angle of 72° 05' 44"; thence northerly along the arc of said curve, a distance of 358.33 feet to the end of said curve; thence N. 31° 57' 44" E. along the tangent to said curve, a distance of 125.89 feet to a point in a curve concave to the southwest having a radius of 600.41 feet and a central angle of 27° 17' 17", said curve being the center line of the right of way of Canal C-17 of the Central and Southern Florida Flood Control District as said right of way is described in Easement Deeds recorded in Deed Books 1156 and 1163 at Pages 186 and 294, respectively, Public Records of Palm Beach County, Florida; thence northwesterly along the arc of said curve, a distance of 171.82 feet to the end of said curve; thence N. 67° 25' 17" W. along the tangent to said curve and along the center line of said right of way of Canal C-17, a distance of 2585.68 feet to a point in the north-south quarter section line of said Section 17; thence S. 1° 31' 50" W. along said quarter section line, a distance of 2263.12 feet to the point of beginning. Excepting therefrom the W 3/4 of the S 1/2 of the SW 1/4 of the SE 1/4 of said Section 17. Subject to existing Easements of record, and to the existing right of way of Prosperity Farms Road, and to the existing right of way of Lake Park West Road as described in Deed recorded in O.R. Book 178, Pg. 458.

The Bearings in the above described property refer to the standard plane rectangular coordinate system of the East Zone of Florida.

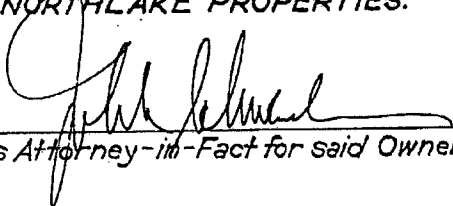
have caused the same to be surveyed and platted as shown hereon, and do hereby dedicate all the Drives, Roads and other rights of way shown hereon to the perpetual use of the public for public road and street purposes and other purposes incidental thereto, and the use of the easements for the construction and maintenance of Public Utilities.

The undersigned Owners do hereby dedicate the Lake shown hereon to the Village of North Palm Beach, subject to the terms and conditions stated in the Offer to Dedicate Canals recorded in Official Record Book 6, Page 393, Public Records of Palm Beach County, Florida.

IN WITNESS WHEREOF, the undersigned Owners have caused these presents to be executed this 27th day of March, A. D. 1958

VIRGINIA GRAVLIN, a single person, BUNKER RANCH HOMES, INC., GOLFVIEW HEIGHTS, INC., BELVEDERE HOMES, INC., BELVEDERE INDUSTRIAL CORP., FOREST HILL HOMES, INC., BELVEDERE HOLDING CORP., and WILLIAM W. BLAKESLEE, individually and as Trustee, joined by his wife, ANITA F. BLAKESLEE, doing business as NORTHLAKE PROPERTIES.

By:


As Attorney-in-Fact for said Owners

(Seal)

EXHIBIT

C-2

tabbles

EASEMENT DEED

THIS INDENTURE, Made this the 17th day of September A.D., 1956, by and between NORTH PALM BEACH, INC., a Florida corporation, of the first part, hereinafter referred to as the grantor, and CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, a body corporate, created by the Acts of the Legislature of Florida, 1949, with its principal office at 901 Evernia Street, West Palm Beach, Palm Beach County, Florida, of the second part, hereinafter referred to as the grantee.

WITNESSETH:

That for and in consideration of the sum of One Dollar and other good and valuable considerations in hand paid by the grantee to the grantor, the receipt of which is hereby acknowledged, the grantor does hereby grant, bargain, sell and convey unto the grantee, CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, its successors and assigns, the perpetual easement and right for and to the exclusive use and enjoyment of the following described lands situate in the County of Palm Beach, State of Florida:

All that part of the Southeast one-quarter (SE $\frac{1}{4}$) of Section 17, Township 42 South, Range 43 East, and all that part of the West one-half of the Southwest one-quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$) and of Government Lot 4, of Section 16, Township 42 South, Range 43 East, which includes a part of Tract B, and a part of Southwind Drive, and a part of Lots 24 through 35 inclusive in Block 3 as shown on Sheet 3 of 5 of Plat No. 1, Village of North Palm Beach, as recorded in Plat Book 24, page 204, and a part of Block 1 and a part of Lots 1 through 23 inclusive of Block 3 as shown on Sheet 2 of 5 of Plat No. 1, Village of North Palm Beach, as recorded in Plat Book 24, page 205 of the Public Records of Palm Beach County, Florida, lying within the following described parcel of land:

Begin at the Southwest (SW) corner of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section 17, Township 42 South, Range 43 East, and bear North 1° 31' 50" East along the west line of said Southeast one-quarter (SE $\frac{1}{4}$), a distance of 2375.63 feet to the point of beginning; Thence, South 67° 25' 17" East, a distance of 2624.78 feet; Thence, North 22° 34' 43" East, a distance of 2.50 feet to a point of curvature; Thence, Southeasterly along the arc of a curve concave to the Southwest, having a radius of 707.50 feet, a central angle of 27° 17' 17" and a long chord bearing of South 53° 46' 38" East, a distance of 336.96 feet to the end of said curve; Thence, South 40° 08' 00" East, a distance of 895.16 feet; Thence, North 49° 52' 00" East, a distance of 7.50 feet to a point of curvature; Thence, Southeasterly along the arc of a curve concave to the Northeast, having a radius of 485 feet, a central angle of 50° 28' 28" and a long chord bearing of South 65° 22' 14" East, a distance of 427.26 feet to the end of said curve; Thence, North 89° 23' 32" East, a distance of 4697.82 feet to an intersection thereof with the centerline of the existing channel of the Intracoastal Waterway in the open waters of Lake Worth; Thence, South 5° 41' 12" East along said centerline, a distance of 230.91 feet to a point in Lake Worth; Thence, South 89° 23' 32" West, a distance of 4718.26 feet to a point of curvature; Thence, Northwesterly along the arc of a curve, concave to the Northeast, having a radius of 715 feet and a central angle of 50° 28' 28", a distance of 629.88 feet to the end of said curve; Thence, North 49° 52' 00" East along a radial line of said curve, a distance of 7.50 feet; Thence, North 40° 08' 00" West,



EXHIBIT

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a distance of 899.16 feet to a point of curvature; Thence, Northwesterly along the arc of a curve, concave to the Southwest, having a radius of 492.50 feet and a central angle of $27^{\circ} 17' 17''$, a distance of 234.56 feet to the end of said curve; Thence, North $22^{\circ} 34' 43''$ East, along the radial line of said curve, a distance of 2.50 feet; Thence, North $67^{\circ} 25' 17''$ West, a distance of 2543.96 feet to a point on the west line of the Southeast one-quarter (SE $\frac{1}{4}$) of Section 17, Township 42 South, Range 43 East; Thence, North $1^{\circ} 31' 50''$ East along the said west line, a distance of 225.01 feet to the point of beginning.

The bearings in the above description refer to the standard plane rectangular coordinate system for the East Zone of Florida.

LESS, However, the existing right of ways for Prosperity Farms Road and State Road #5 (U.S. #1).

for any and all purposes necessary, convenient, or incident to, or in connection with, the construction, maintenance and operation of any project in the interest of flood control, reclamation, conservation, water storage and allied purposes now or that may hereafter be conducted by the grantee herein, its successors or assigns, in carrying out the purposes and intents of the Statutes of the State of Florida relating to CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT presently existing or that may be enacted in the future pertaining thereto. Any part of the whole of the easement and right herein granted may be assigned by the grantee for use for flood control purposes.

SAVING AND RESERVING unto the grantor the following:

(1). The right to construct two public bridges across Canal C-17 (Earman River Canal) within the above described land, after completion of construction of said Canal C-17 (Earman River Canal) by the grantee; said bridges to conform to the specifications of the State Road Department of the State of Florida and to the construction standards of the grantee.

(2). The right to connect two lateral canals to Canal C-17 (Earman River Canal) within the above described lands.

All the covenants and agreements herein contained shall extend to and be binding upon the parties hereto and their respective executors, administrators, personal representatives, heirs, successors and assigns.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise incident or appertaining to the only proper use, benefit and behoof of the grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, this easement deed has been executed by the grantor whose hand and seal is affixed hereto the date first above written.

NORTH PALM BEACH, INC.,
a Florida corporation

By

Richard E. [Signature]
President

ATTEST:

[Signature]
Secretary

Signed, Sealed and Delivered
in the presence of:

[Signature]
[Signature]
[Signature]

STATE OF FLORIDA
COUNTY OF PALM BEACH }

DEED 1156 PAGE 188

I HEREBY CERTIFY, That on this day personally appeared before me, RICHARD E. ROSS and HERBERT A. ROSS
President and Secretary respectively, of
NORTH PALM BEACH, INC., a Florida corporation, to me known to be
the persons described in and who executed the foregoing Easement
Deed and acknowledged before me that they executed the same for
the purposes therein expressed, and the said instrument is the act
and deed of said corporation.

WITNESS my hand and official seal at West Palm Beach, in
the State and County aforesaid, this the 17th day of September
A. D., 1956.

J. C. Quinn
Notary Public

My Commission Expires: 9-5-59

¹⁷ This instrument was filed for Record
2 P. M. this 26th day of Sept. 1956
and Recorded in book and Page cited above.
Recorded by J. ALAN VANCE, Clerk
Clerk of Court, Palm Beach County, Florida
By *W. L. [illegible]* Deputy Clerk

DEED 1165 PAGE 294

C&SFFCD

FORM NO. 54

EASEMENT DEED

THIS INSTRUMENT, Made this the 14th day of November A. D., 1956, by and between

NORTH PALM BEACH, INC., a Florida Corporation,

of the first part, hereinafter referred to as the grantor, and CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, a body corporate, created by the Acts of the Legislature of Florida, 1949, with its principal office in the Comcan Building, West Palm Beach, Palm Beach County, Florida, of the second part, hereinafter referred to as the grantee.

WITNESSETH:

That for and in consideration of the sum of One Dollar and other good and valuable considerations in hand paid by the grantee to the grantor, the receipt of which is hereby acknowledged, the grantor does hereby grant, bargain, sell and convey unto the grantee, CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT, its successors and assigns, the perpetual easement and right and to the exclusive use and enjoyment of the following described lands situate in the County of Palm Beach State of Florida:

A parcel of land in the Southeast one-quarter (SE $\frac{1}{4}$) of Section 17, Township 42 South, Range 43 East; said parcel of land being more specifically described as follows:

Beginning at the South one-quarter (S $\frac{1}{4}$) corner of Section 17, Township 42 South, Range 43 East, bear North 1° 31' 50" East, along the west line of the said Southeast one-quarter (SE $\frac{1}{4}$), a distance of 2375.62 feet; Thence, South 67° 25' 17" East, a distance of 35.36 feet to an intersection thereof with the east right of way line of Prosperity Farms Road and the point of beginning; Thence, continue South 67° 25' 17" East, a distance of 16.07 feet; Thence, North 1° 31' 50" East, parallel to the said East Right of Way line of Prosperity Farms Road, a distance of 35.77 feet; Thence, North 88° 28' 10" West, a distance of 15.0 feet; Thence, South 1° 31' 50" West, along the said East Right of Way Line of Prosperity Farms Road, a distance of 30.0 feet to the point of beginning.

The bearings in the above description refer to the standard plane rectangular coordinate system for the East Zone of Florida.

For any and all purposes necessary, convenient, or incident to, or in connection with, the construction, maintenance and operation of any project in the interest of flood control, reclamation, conservation, water storage and allied purposes now or that may hereafter be conducted by the grantee herein, its successors or assigns, in carrying out the purposes and intents of the Statutes of the State of Florida relating to CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT presently existing or that may be enacted in the future pertaining thereto, and does further grant, bargain, sell and convey unto the grantee herein, its successors and assigns, the full, complete, and absolute title to all such materials as may be excavated, dredged or otherwise removed from said lands in connection with any of the purposes above mentioned. Any part of the whole of the easement and right herein granted may be assigned by the grantor for use for any public purposes.

All the covenants and agreements herein contained shall extend to and be binding upon the parties hereto and their respective executors, administrators, personal representatives, heirs, successors and assigns.



TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise incident or appertaining to the only proper use, benefit and behoof of the grantee, its successors and assigns, forever.

EXHIBIT

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DEED 1163 JAN 295

FORM NO. 54 B

IN WITNESS WHEREOF, this easement deed has been executed by the grantor whose hand and seal is affixed hereto the date first above written.

NORTH PALM BEACH, INC.,
a Florida Corporation

BY: J. H. White (Seal)
Vice-President

ATTEST: Herbert A. Ross (Seal)
Secretary

Signed, Sealed and Delivered
in the presence of:

J. A. Linn
Patricia Kelly

STATE OF FLORIDA }
COUNTY OF PALM BEACH }

I HEREBY CERTIFY, That on this day personally appeared before me
JAY H. WHITE and HERBERT A. ROSS
Vice-President and Secretary respectively, of
NORTH PALM BEACH, INC., a Florida Corporation,
to me known to be the persons described in and who executed the foregoing Easement Deed
and acknowledged before me that they executed the same for the purposes therein
expressed, and the said instrument is the act and deed of said corporation.

~~Notary Public for the State of Florida, my commission expires on the 14th day of November, 1956.~~

WITNESS my hand and official seal at West Palm Beach,
in the State and County aforesaid, this the 14th day of November A. D., 19 56.

J. A. Linn
Notary Public

My commission expires: 9-5-59

My Commission Expires:

2158

FILE FOR RECORD
STATE OF FLORIDA
COUNTY OF PALM BEACH
CLERK OF COURT

1956 NOV 21 AM 10 30

RECORDED IN BOOK
AND INDEXED ABOVE
RECORD VERIFIED
ALEX. ANNETTE, CLERK

Patricia Kelly
56



SFWMD PERMIT NO. 7045

(NON-ASSIGNABLE)

July 12, 1979 DATE ISSUED

AUTHORIZING:

- 35' X 42' T-SHAPED BOAT DOCK ON C-17
- SOUTH RIGHT OF WAY AT THE REAR OF
- 751 HUMMINGBIRD WAY. (STATION 81+50).

LOCATED IN PALM BEACH COUNTY, SECTION 17 TWP. 42S RGE. 43E

ISSUED TO:

(owner)

Francis F. Downs
751 Hummingbird Way
North Palm Beach, Florida 33403

This permit is issued pursuant to Application for Permit No. 06049B dated June 1 19 79 and permittee's agreement to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, operation, maintenance, or use of the work or structure involved in the permit. Said application, including all plans and specifications attached thereto, is by reference made a part hereof. This permit may be cancelled upon thirty (30) days written notice to the permittee or under emergency circumstances as set forth in the District's Rules with which permittee is put on notice. Permittee shall comply with all laws and rules administered by the District. This permit does not convey to permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

WORK PROPOSED, WILL BE COMPLETED ON OR BEFORE July 31 19 80 otherwise, this permit is voided and all rights thereunder are automatically cancelled unless an extension to the construction period is applied for and granted.

SPECIAL CONDITIONS ARE AS FOLLOWS:

1. THIS PERMIT REPRESENTS APPROVAL OF THE PROJECT ONLY TO THE EXTENT OF THE DISTRICT'S INTEREST IN THE PROJECT WORKS RIGHT OF WAY. ANY ADDITIONAL APPROVAL OR PERMITS WHICH MAY BE REQUIRED ARE THE SOLE RESPONSIBILITY OF THE PERMITTEE AND MUST BE OBTAINED PRIOR TO COMMENCEMENT OF CONSTRUCTION.

CONTINUED SPECIAL CONDITIONS ON ATTACHED SHEET ARE A PART OF THIS DOCUMENT.

SOUTH FLORIDA WATER MANAGEMENT
DISTRICT, BY ITS GOVERNING BOARD

By: [Signature]
Assistant Secretary

SHEET 1 OF 2



CONTINUED SPECIAL CONDITIONS ARE AS FOLLOWS:

2. FACE OF DOCK SHALL ALIGN WITH EXISTING ADJACENT DOCKS.
3. DOCK LOW MEMBER SHALL BE A MINIMUM OF 2 FEET ABOVE MEAN HIGH TIDE.

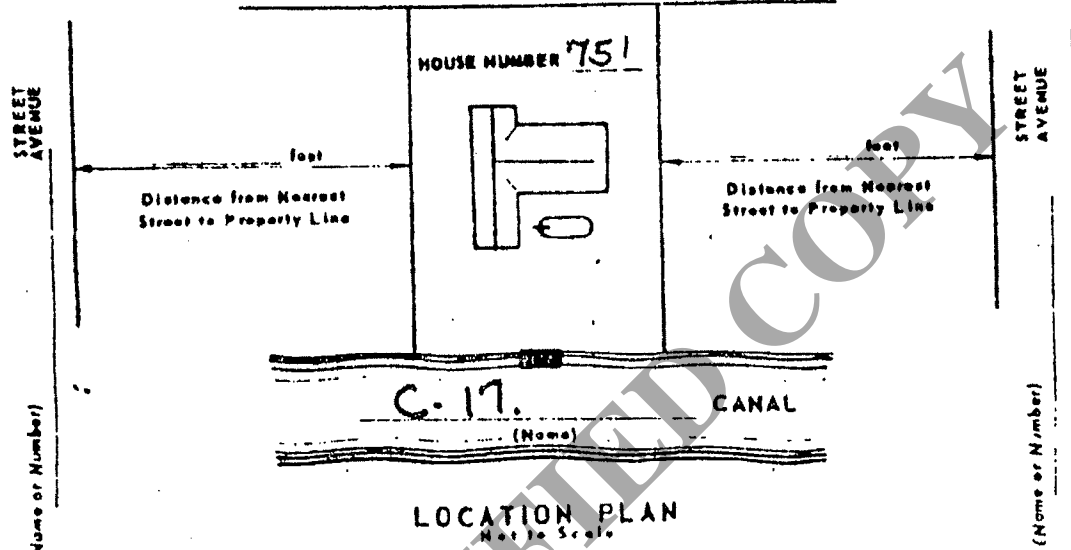
NOT A CERTIFIED COPY

(Name) VILLAGE-N. PALM BEACH DIVISION

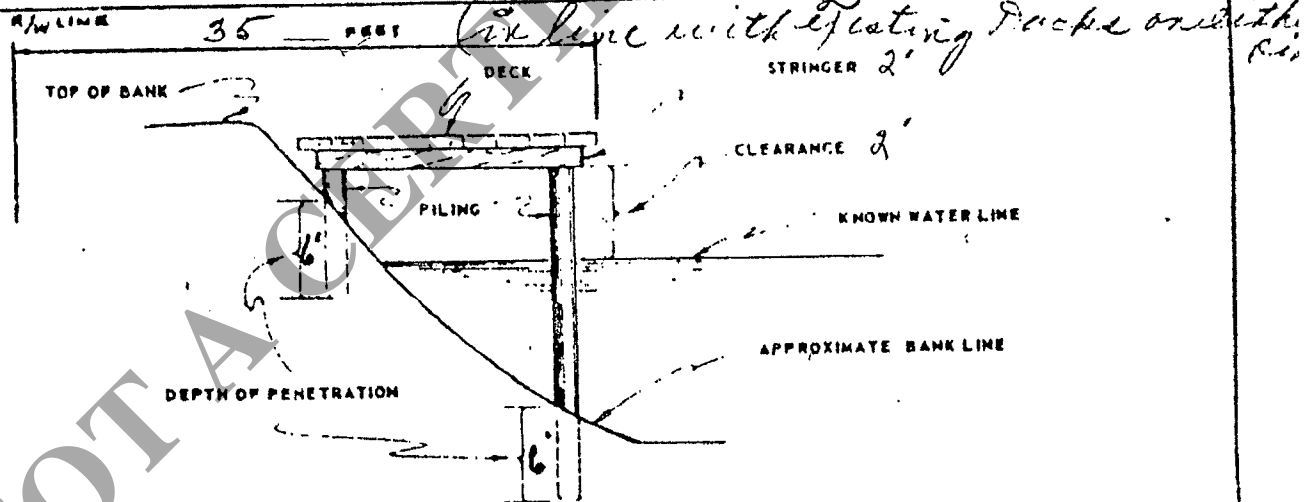
Lot No. 9

Block No. 30

(Name or Number) HUMMING BIRD WAY STREET



LOCATION PLAN
Not to Scale



SECTION
Not to Scale

SEE REVERSE SIDE OF THIS SHEET
FOR LIST OF MATERIALS AND CON-
STRUCTION DETAIL TO BE SUBMITTED
WITH YOUR APPLICATION FOR PERMIT.

DRAWING TO ACCOMPANY
APPLICATION NO. _____
SHOWING DOCK TO BE CONSTRUCTED
ON SOUTH BANK
OF C-17 CANAL

DATE:

SIGNED:

1. BE SURE TO GIVE THE NUMBER OR NAME OF STREETS OR AVENUES. IF AVENUE IS CORRECT, THEN STRIKE OUT THE WORD STREET.
 (example) N. W. 29th ~~Street~~ Street)
2. GIVE YOUR LOT AND BLOCK NUMBER, AS INDICATED ON YOUR DEED.
3. FILL IN THE BLANKS BELOW. THEY ARE IMPORTANT.

DOCK - Final dimensions will be 42 feet long by 5' feet wide.

PILING -

Check type to be used

☐ wood

☒ concrete

☐ steel

How many will be used in your construction? 16

What size will be used?

14 diameter 6 inches 2 = 8"
length 16 feet

The depth of penetration of the front piling will be 7' feet.
of the rear piling will be 5 feet.

DECK -

Check type being used

☒ wood

☐ concrete

☐ other

State size or dimension

example:

2X8 PT
(2" x 6" pine)

(4" x 4" slab)

The approximate distance or clearance between the low member and known high water elevation will be 2 feet. above high tide

STRINGER -

Check type being used

☒ wood

☐ concrete

☐ steel

State size or dimension

example:

4X8"
(4" x 4" pine)

(4" H-beam)

ANCHOR POINT -

If dock is to be built against a bulkhead or seawall - describe manner of anchoring dock to the wall or bulkhead.



PADULA BENNARDO LEVINE
COLLABORATIVE LEGAL SOLUTIONS FOR TODAY'S BUSINESS NEEDS

April 19, 2017

**DEMAND TO CEASE TRESPASS
AND DEPART PROPERTY
(Fla. Stat. §801.01)**

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND US FIRST CLASS MAIL

John F. Downs
Margaret T. Downs
Elizabeth A. Downs
Dorothy Downs
700 Ibis Way
North Palm Beach, Florida 33408

Re: land located due north of 751 Hummingbird Way, North Palm Beach, Florida further described on the attached survey.

Dear Mr. and Mesdames. Downs:

This office represents William J. Chandler and Rachel A. Chandler. Mr. and Mrs. Chandler are the title owners of the property described above, which is adjacent to and immediately to the north of your property located at 751 Hummingbird Way, North Palm Beach, Florida. A survey description of the property is attached hereto.

My clients are aware of you or occupants of your property who are accessing my client's land, including the dock and waterway. It is possible you may have mistaken your ownership boundaries, or other use rights in doing so. The land as described on the attached survey is owned exclusively by my clients, and the entry upon this land amounts to a trespass.

Please consider this notice of your trespass on that land and demand that no further entry be made thereon. Further, it is demanded that the personal property placed on my client's land be removed within seven (7) days hereof, notably the watercraft and other personal items.

I would trust this trespass was unintentional and due to a misunderstanding of your own rights. Be advised, however, that any further trespass will be considered intentional trespass upon my client's land will be met with an appropriate response.

Any inquiries on the above should be directed to this office on behalf of our clients. We hope this brings a close to this matter.

Very truly yours,


Cristofer A. Bennardo

cc: William J. Chandler and Rachel A. Chandler

EXHIBIT

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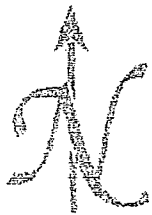
BOUNDARY SURVEY

Date of Field Work: 03/06/2017

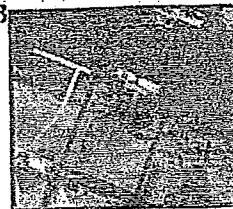
Drawn By: EV

Order #: 100006695

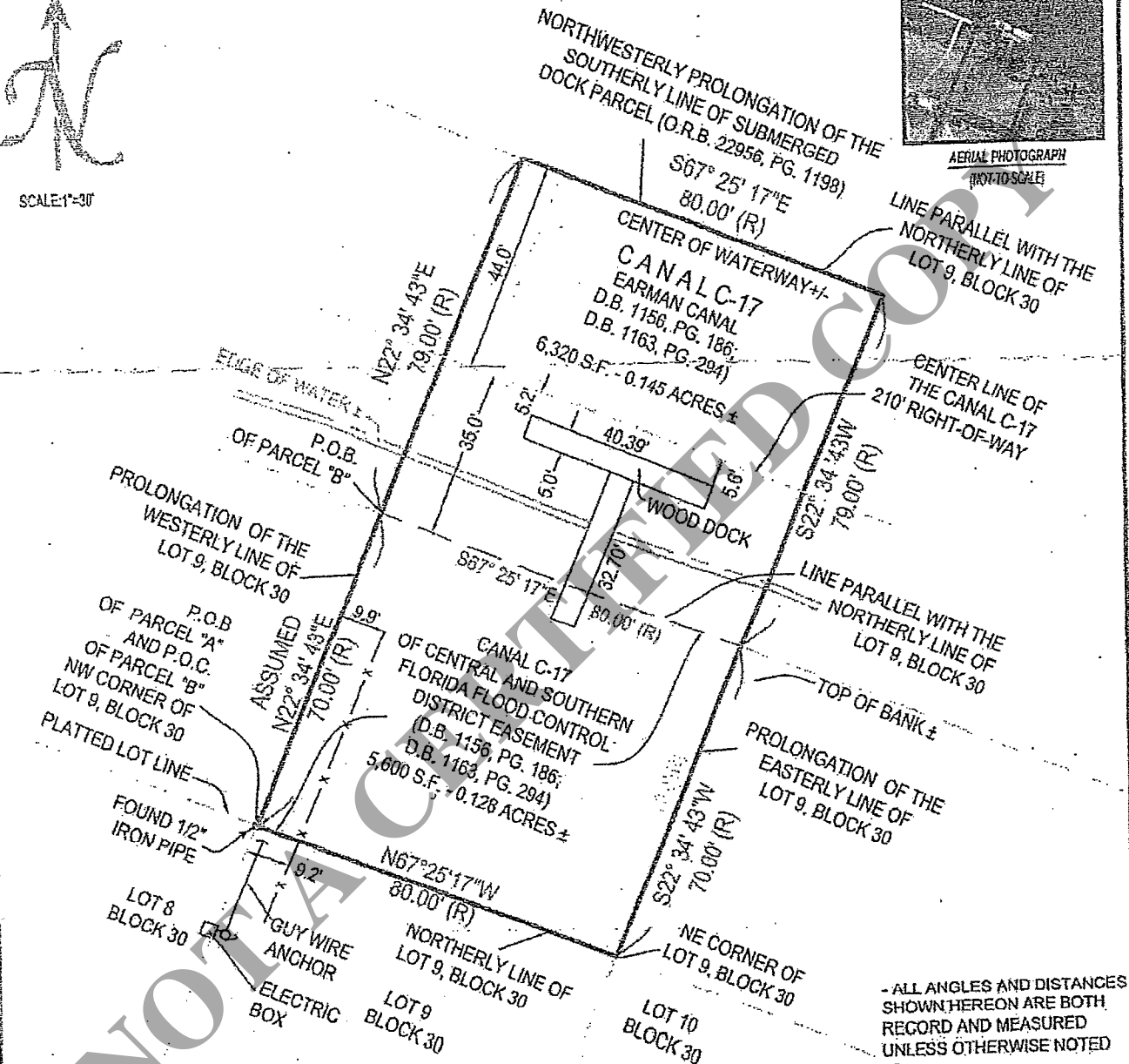
751 HUMMINGBIRD WAY, NORTH PALM BEACH, FL 33408



SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT TO SCALE)



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND OTHER SURVEY-RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS.

NEXGEN
SURVEYING, LLC.

PHONE: 561.508.6272
FAX: 561.508.6309
LB. 8111

5601 CORPORATE WAY, SUITE 103 WEST PALM BEACH, FL 33407
NexgenSurveying.com

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY

CLYDE O. MCNEAL
PSM 2883

ON 3/7/2017

BOUNDARY SURVEY

Date of Field Work: 03/06/2017

Drawn By: NexGen Drafter

Order #: 1000006695

751 HUMMINGBIRD WAY, NORTH PALM BEACH, FL 33408

LEGAL DESCRIPTION:

PARCEL "A"

75' STRIP OF CANAL RIGHT OF WAY LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, BEING A PORTION OF THE CANAL C-17 OF CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT EASEMENT AS PER DEED BOOKS 1156 AND 1163, PAGES 195 AND 294, LYING NORTHERLY OF AND ADJOINING LOT 9, BLOCK 30, AS SHOWN ON PLAT 3, VILLAGE OF NORTH PALM BEACH, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGES 175 AND 176 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH $22^{\circ}34'43''$ EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, IS ASSUMED TO BEAR NORTH $22^{\circ}34'43''$ EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH $67^{\circ}25'17''$ EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 80.00 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH $22^{\circ}34'43''$ WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 70.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH $67^{\circ}25'17''$ WEST ALONG THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING IN ALL 5,609 SQUARE FEET OR 0.128 ACRES, MORE OR LESS.

PARCEL "B"

75' STRIP OF CANAL RIGHT OF WAY LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, BEING A PORTION OF THE CANAL C-17 OF CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT EASEMENT AS PER DEED BOOKS 1156 AND 1163, PAGES 195 AND 294, LYING NORTHERLY OF LOT 9, BLOCK 30, AS SHOWN ON PLATS 2 AND 3, VILLAGE OF NORTH PALM BEACH, ACCORDING TO THE PLATS THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGE 59 AND PLAT BOOK 15, PAGES 175 AND 176 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH $22^{\circ}34'43''$ EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, IS ASSUMED TO BEAR NORTH $22^{\circ}34'43''$ EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30 AND BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH $22^{\circ}34'43''$ EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 79.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 149.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, SAID LOT 9, BLOCK 30; THENCE SOUTH $67^{\circ}25'17''$ EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 80.00 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH $22^{\circ}34'43''$ WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 79.00 FEET TO THE INTERSECTION WITH SAID LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30; THENCE NORTH $67^{\circ}25'17''$ WEST ALONG SAID LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 5,320 SQUARE FEET OR 0.122 ACRES, MORE OR LESS.

CERTIFIED TO:

• REMAX COMPLETE SOLUTIONS

FLOOD ZONE

1202170001D

ZONE: AE X

EFF. 1992-06-02

SURVEY NOTES:

This survey is for conveyance purposes only and not intended for construction purposes without permission of this surveyor.

LEGEND

FINDING NOTABLE CONDITIONS FOUND

A/C - AIR CONDITIONER

AL - ARC LENGTH

(C) - CALCULATED

D.E. - DRAINAGE EASEMENT

(M) - MEASURED

P.O.B. - POINT OF BEGINNING

P.O.C. - POINT OF COMMENCING

P.B. - PLAT BOOK

P.G. - PAGE

P.U.E. - PUBLIC UTILITY EASEMENT

R - RADIUS

(R) - RECORD

U.E. - UTILITY EASEMENT

WM - WATER METER

- FENCE

- NUMBER

- ASPHALT

- CONCRETE

- PAVER/BRICK

- WOOD

- LIGHT POLE

- WELL

- WATER VALVE

- CENTER LINE

- CATCH BASIN

- FIRE HYDRANT

- POLE

- MANHOLE

- TOPOGRAPHIC ELEVATION

NexGen

SURVEYING

www.NexGenSurveying.com

(561) 508-6272

5601 Corporate Way

Suite 103

West Palm Beach, FL 33407

SCAN ME!



SHEET 2 OF 2 (Certifications) - See Sheet 1 of 2 for sketch of Survey. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

SUBMITTAL DATE: 4/7/2017

MASTER PERMIT NUMBER: 20170599



THE VILLAGE OF NORTH PALM BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
420 U.S. HWY 1 • SUITE 21 • NORTH PALM BEACH, FLORIDA 33408
PHONE 561.841.3365 • FAX 561.841.8242 • WWW.VILLAGE-NPB.ORG

Is this application the result of a Code Compliance Violation? ☐ Yes ☐ No

If yes, submit copy of Code Compliance Notice.

****THIS FORM IS NOT ACCEPTED FOR SUBPERMIT USE. PLEASE SEE FORM TITLED, "SUBPERMIT APPLICATION" ****

APPLICANT INFORMATION		PROPOSED IMPROVEMENT LOCATION	
Owner <u>William John Chandler</u>	<input type="checkbox"/> Same as owner / lessee address		
Lessee _____	Address _____		
Address <u>753 Hummingbird Way</u>	Suite / Apt Number _____		
Suite / Apt Number <u>3</u>	Legal Description _____		
City <u>N. P. B</u>	Lot _____ Block _____ Plat _____		
State / ZIP <u>FL 33408</u>	Unplatted _____		
Phone Number <u>561-373-0297</u>	Parcel Control Number (PCN) _____		
E-Mail Address <u>John@BuildsCCC.com</u>	(Required - Can be found on parcel's tax bill)		
CONTRACTOR INFORMATION		REQUESTED WORK	IMPROVEMENT
<input type="checkbox"/> Owner / Lessee Builder		<input type="checkbox"/> Building	<input type="checkbox"/> New Construction
Qualifier <u>William J Chandler</u>	<input type="checkbox"/> Structure	<input type="checkbox"/> Sign	<input type="checkbox"/> Alteration
Company <u>Chandler Construction Company</u>	<input type="checkbox"/> Electrical	<input type="checkbox"/> Gas	<input type="checkbox"/> Electrical
Address <u>753 Hummingbird Way</u>	<input type="checkbox"/> Mechanical	<input type="checkbox"/> Plumbing	<input type="checkbox"/> Addition
City <u>North Palm Beach</u>	<input type="checkbox"/> Roofing	<input type="checkbox"/> Pool / Spa	<input type="checkbox"/> Repair / Replace
State / ZIP <u>FL 33408</u>			<input type="checkbox"/> Demolish
Phone Number <u>561-373-0297</u>			<input type="checkbox"/> Install
E-Mail Address <u>John@BuildsCCC.com</u>			<input type="checkbox"/> Change of Contractor
License Number <u>CGG 059255</u>			<input type="checkbox"/> Other _____
DESCRIPTION OF PROPOSED IMPROVEMENT			
Provide a complete description of the work you are proposing:			
<u>Install Fence 6' Chain Link Fence</u>			
SQUARE FOOTAGE (area) Existing: _____, Proposed: _____, Total: _____, Job Valuation: \$ <u>6100.00</u>			
OFFICE USE ONLY:			
Parks \$ _____	Bldgs \$ _____	School \$ _____	Roads \$ _____ Total \$ _____
Fee \$ _____	Lien \$ _____	Radon \$ _____	Impact \$ _____ Total \$ _____

EXHIBIT

tabbies®

14





DOROTHY JACKS
CFA, AAS
Palm Beach County Property Appraiser

PAPA Search

PAPA Home

Search by Owner, Address or Parcel

[View Property Record](#)

Owners

NORTH PALM BEACH PROPERTIES INC.

Property detail

Location

Municipality: NORTH PALM BEACH

Parcel No. 68434217000005110

Subdivision

Book 01114

Page 0281

Sale Date NOV-1953

13907 CARROLLWOOD VILLAGE RUN

Mailing Address TAMPA, FL 33618 2746

Use Type 9500 - RIVER/LAKES

Total Square Feet 0

No Sales Information Available.

Appraisals

Tax Year 2016

Improvement Value \$0

Land Value \$3,225

Total Market Value \$3.225

All values are as of January 1st each year

Assessed/Taxable values

X- proposed fence

BOUNDARY SURVEY

Date of Field Work: 03/06/2017

Drawn By: NexGen Drafter

Order #: 1000006695

751 HUMMINGBIRD WAY, NORTH PALM BEACH, FL 33408

LEGAL DESCRIPTION:

PARCEL "A"

70' STRIP OF CANAL RIGHT OF WAY LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, BEING A PORTION OF THE CANAL C-17 OF CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT EASEMENT AS PER DEED BOOKS 1156 AND 1163, PAGES 186 AND 294, LYING NORTHERLY OF AND ADJOINING LOT 9, BLOCK 30, AS SHOWN ON PLAT 3, VILLAGE OF NORTH PALM BEACH, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGES 175 AND 176 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH 22°34'43" EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, IS ASSUMED TO BEAR NORTH 22°34'43" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH 67°25'17" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 80.00 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH 22°34'43" WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 70.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH 67°25'17" WEST ALONG THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 80.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING IN ALL 5,600 SQUARE FEET OR 0.128 ACRES, MORE OR LESS.

PARCEL "B"

79' STRIP OF CANAL RIGHT OF WAY LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 17, TOWNSHIP 42 SOUTH, RANGE 43 EAST, BEING A PORTION OF THE CANAL C-17 OF CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL DISTRICT EASEMENT AS PER DEED BOOKS 1156 AND 1163, PAGES 186 AND 294, LYING NORTHERLY OF LOT 9, BLOCK 30, AS SHOWN ON PLATS 2 AND 3, VILLAGE OF NORTH PALM BEACH, ACCORDING TO THE PLATS THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, AS IN PLAT BOOK 25, PAGE 69 AND PLAT BOOK 25, PAGES 175 AND 176 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 9, BLOCK 30; THENCE NORTH 22°34'43" EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, IS ASSUMED TO BEAR NORTH 22°34'43" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO, A DISTANCE OF 70.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30 AND BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 22°34'43" EAST ALONG THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 79.00 FEET TO THE INTERSECTION WITH A LINE PARALLEL WITH AND 149.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH 67°25'17" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 80.00 FEET TO THE INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30; THENCE SOUTH 22°34'43" WEST ALONG THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 79.00 FEET TO THE INTERSECTION WITH SAID LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30; THENCE NORTH 67°25'17" WEST ALONG SAID LINE PARALLEL WITH AND 70.00 FEET NORTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTHERLY LINE OF SAID LOT 9, BLOCK 30, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING.

CONTAINING IN ALL 6,320 SQUARE FEET OR 0.145 ACRES, MORE OR LESS.

CERTIFIED TO:

- REMAX COMPLETE SOLUTIONS

FLOODZONE:

1202170001D

ZONE AEX

EFF. 1992-06-02

PERMIT NUMBER

20170599

Village of North Palm Beach
Building Department

VILLAGE OF
NORTH PALM BEACH

APR 07 2017

BUILDING DEPARTMENT
RECEIVED

SURVEY NOTES:

This survey is for conveyance purposes only and not intended for construction purposes without permission of this surveyor.

LEGEND

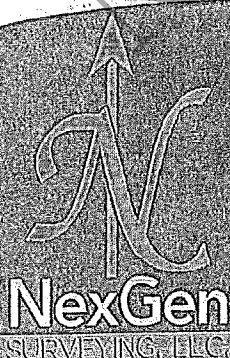
UNSTABLE CONDITIONS FOUND

A/C - AIR CONDITIONER
AL - ARC LENGTH
(C) - CALCULATED
D.E. - DRAINAGE EASEMENT
(M) - MEASURED
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCING

P.B. - PLAT BOOK
P.G. - PAGE
P.U.E. - PUBLIC UTILITY EASEMENT
R - RADIUS
(R) - RECORD
U.E. - UTILITY EASEMENT
WM - WATER METER

- FENCE
- NUMBER
- ASPHALT
- CONCRETE
- PAVER/BRICK
- WOOD
- LIGHT POLE
- WELL

- WATER VALVE
- CENTER LINE
- CATCH BASIN
- FIRE HYDRANT
- POLE
- MANHOLE
- TOPOGRAPHIC ELEVATION



www.NexGenSurveying.com

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